

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.21275/2021

(Nilesh Bankar s/o Madhukar Bankar
Versus
The State of Madhya Pradesh)

Indore, Dated 18.06.2021

Hearing through **Video Conferencing**.

Mr. Surendra Kumar Gupta, learned counsel for the applicant.

Mr. Vikas Jaiswal, learned Panel Lawyer for the respondent /
State of Madhya Pradesh.

Mr. Chetan Kanungo, learned counsel for the objector.

They are heard. Perused the case diary / challan papers.

This **first** application under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail has been filed by the applicant, who is apprehending his / her arrest in connection with Crime No.280/2021 registered at Police Station Vijay Nagar, Indore District Indore (MP) for commission of the offences punishable under Sections 420, 406, 467, 468 read with Section 34 of the Indian Penal Code, 1860.

The allegation against the applicant is that he received a sum of Rs.48,00,000/- from one Dinesh Singhal, the complainant who is a resident of Gwalior and who deposited the amount in the applicant's account for purchase of two generators each @ Rs.24,00,000/- only. First payment was made on 06.10.2020 and further Rs. 24,00,000/- were deposited on 29.10.2020 but after receiving the aforesaid

amount, neither the generators were supplied nor the amount was returned to the complainant despite repeated request.

Counsel for the applicant has submitted that the wife of the applicant has already been granted the facility of anticipatory bail in Miscellaneous Criminal Case No.16801/2021 on 07.04.2021 and she was directed to deposit a sum of Rs.22,00,000/- (rupees twenty two lakhs) within a further period of two months (along with the applicable bank interest) to the complainant from the date of the order and today only (18.06.2021) in Miscellaneous Criminal Case No.27844/2021, forty five days time has been granted to deposit the remaining sum of Rs.22,00,000/-.

Counsel for the applicant has submitted that the applicant's presence along with his wife is necessary to arrange for the aforesaid amount of Rs.22,00,000/-.

Counsel has submitted that even otherwise, the applicant is ready to cooperate with the investigation and has no criminal record and if he is arrested, irreparable loss shall be occasioned to him and also to his family members. Thus, it is submitted that the applicant be released on anticipatory bail.

Counsel for the objector has opposed the prayer and it is submitted that no case for grant of anticipatory bail is made out.

Learned Panel Lawyer for the respondent / State, on the other hand, has opposed the prayer and it is submitted that looking to the

huge amount received by the applicant and the manner in which the amount has been deposited in account of applicant's wife, no case for grant of anticipatory bail is made out.

Having considered rival submissions and on perusal of the case diary as also the earlier orders passed by this Court in **Miscellaneous Criminal Case No.16801/2021** on **07.04.2021** (**Roselett w/o Nilesh Bankar v. State of MP**) and order dated **18.06.2021** in **Miscellaneous Criminal Case No.27844/2021** (**Roselett w/o Nilesh Bankar v. State of MP**) in case of wife of the applicant, this Court finds it to be a fit case to grant anticipatory bail to the applicant on the ground of parity with his wife, especially when the applicant has already undertaken to pay an amount of Rs.22,00,000/- (rupees twenty two lakhs) within a further period of forty five days along with his wife who is the applicant in Miscellaneous Criminal Case No.16801/2021, this Court is of the opinion that the custodial interrogation of the applicant in the present facts and circumstances of the case, is not required.

In view of the same, in the interest of justice, the application stands allowed. It is directed that in the event of arrest, applicant **Nilesh Bankar s/o Madhukar Bankar** shall be released on bail, upon his / her executing a personal bond only in the sum of **Rs.25,000/- (rupees twenty five thousand only)** and furnishing solvent surety in the like amount to the satisfaction of the Arresting

Officer (Investigating Officer). It is directed that within **forty five** days from today, the applicant shall pay an amount of Rs.22,00,000/- (rupees twenty two lakhs) to the complainant along with his wife, failing which, this anticipatory bail order shall stand cancelled without further reference to this Court; and the Police shall be free to arrest the applicant in the present case also.

The applicant shall make himself / herself available for interrogation by a Police Officer, as and when required. He / she shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

Accordingly, Miscellaneous Criminal Case No.21275/2021 stands allowed.

Certified copy as per rules.

(Subodh Abhyankar)
Judge